**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

001323 C3

**RECEIVED****JAN 12 2004****TC 1700**In re Application of: **Tonar et al.**Application No.: **10/085,434**Filed: **February 28, 2002**For: **Electrochromic Layer and Devices Comprising Same**

The owner\*, Gentex Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,928,572. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record.

Frederick T. Bauer 12/22/03  
Signature Date

Frederick T. Bauer

Typed or printed name

(616) 772-1800

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

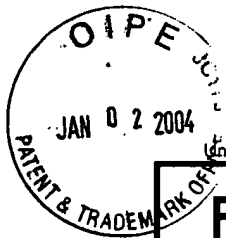
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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>FEE TRANSMITTAL</b> for FY 2003  <i>Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>		
		Application Number	10/085,434	
		Filing Date	February 28, 2002	
		First Named Inventor	Tonar et al.	
		Examiner Name	P. Tucker	
TOTAL AMOUNT OF PAYMENT (\$)		110.00	Attorney Docket No.	GEN-001323 C3

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JAN 12 2004  
TC 1700

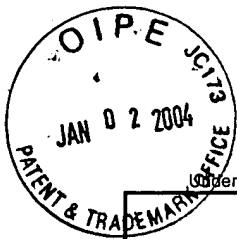
<b>METHOD OF PAYMENT</b>		<b>FEE CALCULATION (continued)</b>					
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  Deposit Account Number: 50-2131 Deposit Account Name: King & Jovanovic, PLC <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27		3. <b>ADDITIONAL FEES</b>					
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other		Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	
<b>FEE CALCULATION</b>		105	130	205	65	Surcharge - late filing fee or oath	
1. <b>BASIC FILING FEE</b>		127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
Large Entity Fee Code	Large Entity Fee (\$)	139	130	139	130	Non-English specification	
Small Entity Fee Code	Small Entity Fee (\$)	147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
Fee Description	Fee Paid	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
101	740	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
106	330	115	110	215	55	Extension for reply within first month	
107	510	116	400	216	200	Extension for reply within second month	
108	740	117	920	217	460	Extension for reply within third month	
114	160	118	1,440	218	720	Extension for reply within fourth month	
<b>SUBTOTAL (1) (\$)</b>		128	1,960	228	980	Extension for reply within fifth month	
2. <b>EXTRA CLAIM FEES</b>		119	320	219	160	Notice of Appeal	
Total Claims	0	120	320	220	160	Filing a brief in support of an appeal	
Independent Claims	0	121	280	221	140	Request for oral hearing	
Multiple Dependent	0	138	1,510	138	1,510	Petition to institute a public use proceeding	
Extra Claims		140	110	240	55	Petition to revive - unavoidable	
Fee from below		141	1,280	241	640	Petition to revive - unintentional	
Fee Paid		142	1,280	242	640	Utility issue fee (or reissue)	
0		143	460	243	230	Design issue fee	
0		144	620	244	310	Plant issue fee	
0		122	130	122	130	Petitions to the Commissioner	
0		123	50	123	50	Processing fee under 37 CFR 1.17(q)	
0		126	180	126	180	Submission of Information Disclosure Stmt	
0		581	40	581	40	Recording each patent assignment per property (times number of properties)	
0		146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
0		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
0		179	740	279	370	Request for Continued Examination (RCE)	
0		169	900	169	900	Request for expedited examination of a design application	
0		Other fee (specify) Terminal Disclaimer Fee					110.00
<b>SUBTOTAL (2) (\$)</b>		<b>SUBTOTAL (3) (\$)</b>					<b>\$110.00</b>
0							

\*\* or number previously paid, if greater; For Reissues, see above

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>			
Name (Print/Type)	William L. King III	Registration No. (Attorney/Agent)	46,830	Telephone	(616) 355-0400
Signature	<i>William L. King III</i>	Date	12/22/03		

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant commissioner for Patents, Washington, DC 20231.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Tonar et al.Application No./Patent No.: 10/085,434 Filed/Issue Date: February 28, 2002Entitled: Electrochromic Layer and Devices Comprising SameGentex, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 7912, Frame 0851, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/22/03

Date

(616) 772-1800

Telephone number

Frederick T. Bauer

Typed or printed name

Signature

Chairman of the Board and Chief Executive Officer

Title

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